

**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



March 15, 2001

Ms. Gloria G. Creamer and
Ms. JoAnn Brown
Selectwomen
Town of Strafford
P.O. Box 23
Center Strafford, New Hampshire 03815

**CERTIFIED MAIL (7099 3400 0002 9773 8860)
RETURN-RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. ARD 2001-002**

RE: Open Burning of Non-Conforming Materials

Dear Ms. Creamer and Ms. Brown

On December 8, 1999, March 21, 2000 and October 19, 2000, the New Hampshire Department of Environmental Services, Air Resources Division (DES), performed inspections at the Strafford Solid Waste Recycling Center (Facility) located off Range Road on Ricky Nelson Road at Tax Map 8, Lot 9 in Strafford, NH. The purpose of the inspections was to determine compliance with the NH Admin. Rules Env-A 100-3600, specifically, Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and Authorization to Burn Brush and Untreated Wood, PIP No. 739 (PIP No. 739) which authorizes the Town of Strafford to operate a municipal burn site for untreated wood and brush.

At the time of the December 8, 1999 inspection, the DES inspectors observed pieces of charred wood over five (5) inches diameter and charred metal in the burn pile. The burn pile also contained the following non-conforming materials: plywood, painted wood and pressure treated wood. Ms. Lisa Landry of DES spoke to Selectwoman Brown specifically regarding the open burning and PIP authorization requirements.

During the March 21, 2000 inspection, the DES inspector observed the following non-conforming materials in the burn pile: wafer board, plywood, drywall, paneling, furniture, painted wood, plastic buckets and one trash bag. The furniture consisted of stained wood, one headboard, one dresser and several pieces of Pergo wood flooring. After the inspection, Mr. Dave Degler of DES spoke to Selectwoman Brown regarding the inspection findings. Selectwoman Brown stated that the town plans to redesign the lay out of their entire facility to help people throw their waste into the correct piles.

On October 19, 2000, the DES inspector observed the following non-conforming charred/melted materials in the ash pile: plywood, painted wood and plastic. The following non-conforming materials were also observed in the burn pile: plywood, carpet, wafer board, pieces of countertops, painted wood, sheetrock and furniture.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning, and Condition 2 of PIP No. 739.

Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood

Condition 2 of PIP No. 739 requires all burning to be conducted in accordance with the requirements of Env-A. 1000 and that only brush and untreated wood, as defined in Env-A 101, shall be accepted and treated at the burn site:

- Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings, and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "board, or sawn dimensional lumber, which has not been treated, coated, or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

- 1 Burn only brush and untreated wood as described in PIP No. 739, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of PIP No. 739, Env-A 101.54 and Env-A 101.286 from the burn area; and
2. Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, they will be conducted in accordance with PIP No. 739 and Env-A 1000.

Attached is a copy of PIP No. 739, Env-A 101.54, Env-A 101.286 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Ms. Mary Ruel, Enforcement Section Supervisor
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Ms. Mary Ruel, Enforcement Section Supervisor, Compliance Bureau, Air Resources Division, at (603) 271-6795.

Sincerely,

COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

Enclosure: PIP No. 739, Env-A 101.54, Env-A 101.286 and Env-A 1000

cc: K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region I
R. Reed, DES WMD

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